

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION  
Honorable Edward J. Davila  
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*  
CASE NUMBER: 5:18-CR-00258-2 EJD**

**Minute Order and Trial Log**

Date: April 22, 2022

Time in Court: (8:35-11:52 AM; 12:34-1:18 PM; 1:29-2:49 PM)  
(TOTAL Time: 5 hrs, 21 min)

Courtroom Deputy Clerk: Cheré Robinson  
Court Reporter: Irene Rodriguez

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**APPEARANCES:**

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic, Robert Leach  
Also present: Special Agent - Chris McCollow  
Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares,  
Aaron Brecher, Shawn Estrada, Sachi Schuricht,  
Molly McCafferty

Also present: Paralegal – Jennifer Cygnor  
Also present: Ramesh Sunny Balwani (out-of-custody)

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**PROCEEDINGS: Motion Hearing and Jury Trial (Day 21)**

**Motion Hearing and Housekeeping Matters:** 55 min. (8:35-9:30 AM)

Hearing on [1381] Defendant's Bench Memo re Dr. Rosendorff. Argument of Counsel heard.  
Housekeeping matters addressed.

**Jury Trial:** 4 hrs, 26 min. (9:30-11:52 AM; 12:34-1:18 PM; 1:29-2:49 PM)

Jury Trial held April 22, 2022. Testimony held and evidence entered.  
Further Jury Trial set for April 26, 2022, at 9:00 AM.

See attached Trial Log.

**The following exhibits were identified and offered:**

Plaintiffs:

Defendants: 9921, 1031, 9379, 1305, 9004, 9007, 9013, 9016, 9020, 9026, 9031, 9042, 9046, 9048, 9052, 9057, 9082, 9086, 9098, 9099, 9102, 9105, 9111, 9113, 9123, 9126, 9129, 9137, 9158, 9162, 9166, 9167, 9196, 9201, 9240, 9243, 9245, 9252, 9260, 9264, 9268, 9276, 9279, 9284, 9315, 9319, 9323, 9326, 9341, 9352, 9368, 9372, 9375, 9378, 9381, 9382, 9384, 9387, 9393, 9409, 9412, 7462, 7314, 7324, 13880, 20351, 12464, 20424, 20423, 20303, 20570, 13809, 13905, 20418, 9940, 12846, 20302, 4037, 20317, 20316, 13893, 20342, 20341, 20335, 20336, 7490, 20371, 20564

**The following exhibits are admitted into evidence:**

Plaintiffs:

Defendants: 9921, 1031, 9379, 1305, 9004, 9007, 9013, 9016, 9020, 9026, 9031, 9042, 9046, 9048, 9052, 9057, 9082, 9086, 9098, 9099, 9102, 9105, 9111, 9113, 9123, 9126, 9129, 9137, 9158, 9162, 9166, 9167, 9196, 9201, 9240, 9243, 9245, 9252, 9260, 9264, 9268, 9276, 9279, 9284, 9315, 9319, 9323, 9326, 9341, 9352, 9368, 9372, 9375, 9378, 9381, 9382, 9384, 9387, 9393, 9409, 9412, 7462, 7314, 7324, 13880, 20351, 12464, 20424, 20423, 20303, 20570, 13809, 13905, 9940, 12846, 20302, 4037, 20317, 20316, 13893, 20342, 20341, 20335, 20336, 7490, 20371, 20564

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**HONORABLE EDWARD J. DAVILA**

**Case Name: *United States v. Ramesh Sunny Balwani*  
Case No: 5:18-CR-00258-2 EJD**

**TRIAL LOG**

<b>TRIAL DATE: April 22, 2022</b>			<b>REPORTER: Irene Rodriguez</b>	<b>CLERK: Cheré Robinson</b>
PLF	DEFT	TIME	DESCRIPTION	
		8:35 am	Court in session with Counsel, outside of presence of Jury and witnesses	
			Court conducts hearing on Defense's Bench Memo [1386] and additional housekeeping matters	
		9:34 am	Jury present; Witness #7 Dr. Adam Rosendorff present	
		9:36 am	Court in session presence of Jury and witness	
			Court queries Jurors re previous admonishment	
			Court reads parties' stipulation re Wired article	
		9:39 am	Defense continues cross-examination of Dr. Adam Rosendorff	
Obj	9921	9:54 am	Offered into Evidenced.	
			Further foundation to be laid	
		9:57 am	ADMITTED into Evidence: Standard Operating Procedure – CLIA Laboratory (Document Number CL PLN-14062, Revision: A) 2011/11/04 Master Validation Plan for Elisa Assays on Theranos Devices	
	1031	10:07 am	ADMITTED into Evidence: 2013-08-24 Gangakhedkar Email to Young, Rosendorff, Holmes re Assay documents for review, and attachments: TSH Master Validation Plan for ELISA Assays on Theranos devices-08-23-13.docx; Theranos in house TPSA scfv t5D5tA5_Assay_Development_Report.doc; Theranos_TSH_Assay_Development_Report_4-4-11.doc	
	9379	10:15 am	ADMITTED into Evidence: Report: Total Prostate-Specific Antigen	

TRIAL DATE: April 22, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
	1305	10:19 am	ADMITTED into Evidence: Dec 2013 Email String re TNAA update & validation plans	
		10:27 AM	The parties stip to admission of Assay CLIA validation reports for both EDISON device and modified predicate machines: Exs: 9004, 9007, 9013, 9016, 9020, 9026, 9031, 9042, 9046, 9048, 9052, 9057, 9082, 9086, 9098, 9099, 9102, 9105, 9111, 9113, 9123, 9126, 9129, 9137, 9158, 9162, 9166, 9167, 9196, 9201, 9240, 9243, 9245, 9252, 9260, 9264, 9268, 9276, 9279, 9284, 9315, 9319, 9323, 9326, 9341, 9352, 9368, 9372, 9375, 9378, 9381, 9382, 9384, 9387, 9393, 9409, 9412	
		10:30 am	ADMITTED into Evidence – stipulated exhibits above.	
			Ex. 9412, previously admitted: 25OHVitD Total ELISA Assay Validation Report on Edison 3.x Theranos System	
			Ex. 9196, previously admitted: hCG ELISA Assay Validation Report on Edison 3.5 Theranos System, 03/19/2014	
			Ex. 9409, previously admitted: VITAMIN B12 ELISA Assay Validation Report on Edison 3.5 Theranos System, 08/05/2014	
			Ex. 9158, previously admitted: Estradiol ELISA Assay Validation Report on Edison 3.5 Theranos System, 8/29/2014	
		10:44 am	Ex. 9098, previously admitted: LDT Validation Report for modified Siemens Assay of Chloride in Lithium Heparin Plasma, 09/26/2013	
	7462	10:51 am	ADMITTED into Evidence: Jul 2014 Email String re Physician questioning results	
Obj	7314	11:05 am	ADMITTED into Evidence (email only): 2013-08-13 Young Email to Holmes and Balwani re test launch list, referencing attachment - Launch Summary 8_18_2013.xlsx	
		11:14 am	Ex. 1049, previously admitted.	
		11:18 am	Ex. 9352, previously admitted: 2013-09-26 LDT Validation Report - Validation Report for Modified Siemens Assay of Sodium in Lithium Heparin Plasma (Approved Mar 2014)	
	7324	11:26 am	ADMITTED into Evidence: 2013-09-07 Sivaraman/Rosendorff/Young Email String re Progress on ELISAs: TSH/TPSA/Vit D	

TRIAL DATE: April 22, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
	13880	11:31 am	ADMITTED into Evidence: 2013-09-11 Theranos HR Email to All Theranos Employees re Free Employee, Friends, and Family Screenings	
	20351	11:34 am	ADMITTED into Evidence: Theranos Flyer: Free Health Screening	
	12464	11:37 am	ADMITTED into Evidence: Nov 2013 Balwani/Rosendorff Email String re 300 U ave	
	20424	11:42 am	ADMITTED into Evidence: 2013-11-20 Sivaraman Email to Rosendorff re Revised TSH and Vit D report, and attachments – 13115-updated-25OHVitD total_Validation Report_MB_Rev1.docx, and 131118-UPDATED-TSH-Validation Report_MB_RevA1.docx	
	20423	11:44 am	ADMITTED into Evidence: 2013-11-21 Rosendorff email to Sivaraman re Resided TSH and Vit D reports	
	20046	11:45 am	Ex. 20046, previously admitted.	
	20303	11:48 am	ADMITTED into Evidence: 2013-11-11 Balwani/Rosendorff Email String re PHX	
		11:52 am	Court breaks for 43 minutes	
		12:34 pm	Jury and Witness #7 Dr. Adam Rosendorff return to courtroom	
		12:35 pm	Court in session in presence of Jury and witness	
			Defense continued cross-examination of Dr. Adam Rosendorff	
		12:48 pm	Ex. 1430, previously admitted	
		1:00 pm	Ex. 1525, previously admitted	
	20570	1:05pm	ADMITTED into Evidence: 7/10/2014 Gee Meeting Invite to Rosendorff et al. re Review and discuss Q1/Q2 Quality	
	13809	1:06 pm	ADMITTED into Evidence: 7/10/2014 Langly Gee Presentation re Quality Systems presentation Q1/Q2 2014 Review	
		1:18 pm	Court breaks for 11 minutes	
		1:27 pm	Jury returns to Courtroom	
			Dr. Rosendorff returns to stand.	

TRIAL DATE: April 22, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		1:29 pm	Court in session in presence of Jurors and witness	
	13905	1:30 pm	ADMITTED into Evidence: 2013-07-27 Chang Email to Rosendorff re Proficiency Testing Details, and attachment – 2012-11-27 Theranos Standard Operating Procedure – CLIA Laboratory – Doc QOP-0006, Proficiency Testing and Alternative Assessment Procedure	
Obj	20418	1:42 pm	Offered into Evidence.	
		1:43 pm	Objection sustained.	
	9940	1:45 pm	ADMITTED into Evidence: Standard Operating Procedure CLIA Laboratory, Doc Number CL SOP-00021 Revision: A Proficiency Testing for Theranos Lab-Developed Tests	
		1:50 pm	Ex. 7440, previously admitted	
	12846	1:53 pm	ADMITTED into Evidence (patient info redacted): Oct 2014 Rosendorff/Khan/C. Holmes Email String re Physician Inquiry [patient info redacted]	
	20302	1:58 pm	ADMITTED into Evidence: 2013-11-03 Theranos Standard Operating Procedure CLIA Laboratory, Document Number CL SOP-09121p, Revision: A, Potassium (K) Standard Operating Procedure for Modified Siemens Assay in Lithium Heparin Plasma	
			Ex. 9315, previously admitted. Theranos LDT Validation Report CL RPT-14039 Rev. 1	
	4037	2:03 pm	ADMITTED into Evidence: Nov 2013 Email String re Demo Patients today @ 3:30pm	
	20317	2:08 pm	ADMITTED into Evidence: April 2014 Email String re CTN 18546	
	20316	2:12 pm	ADMITTED into Evidence: 2014-04-07 Email String re GC results	
	13893	2:16 pm	ADMITTED into Evidence: May 2014 Email String re ISE studies	
	20342	2:20 pm	ADMITTED into Evidence: June 2014 Email String re Patient results since 5/24 for potassium	
	20341	2:25 pm	ADMITTED into Evidence: July 2014 Young/Balwani/Holmes/Rosendorff Email String re potassium status	

<b>TRIAL DATE: April 22, 2022</b>			<b>REPORTER:</b> Irene Rodriguez	<b>CLERK:</b> Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
	20335	2:28 pm	ADMITTED into Evidence: 2014-01-07 Rockymore Email to Rosendorff et al. re Meeting Minutes - critical reporting and CTN releasing	
	20336	2:31 pm	ADMITTED into Evidence: Rosendorff email to CLIA.Lab re CL COP-05040_CTN integrity and Critical Values Alters .docx, and attachment	
Obj	7490	2:34 pm	ADMITTED into Evidence (as redacted): Oct 2014 Email String re Critical ISEs	
			Ex. 9196, previously admitted	
	20371	2:39 pm	ADMITTED into Evidence: May 2014 Email string re CLIA Meeting	
		2:41 pm	Ex. 4145, previously submitted.	
Obj	20564	2:45 pm	ADMITTED into Evidence: June 2014 Email String re HCG for 30164	
		2:46 pm	Defense completes cross-examination of Dr. Adam Rosendorff	
		2:47 pm	Court admonishes Jury	
			Dr. Adam Rosendorff released until 4/26/2022	
			Jury released until 4/26/2022	
		2:49 pm	Court adjourns	
			Jury Trial Continued to April 26, 2022, at 9:00 AM	